

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

MICHAEL MCCARTHY; WILLIAM R.
BIEWENGA; LAURIE WARNER; TIMOTHY
GALLIGAN; JIM SIMMONS; DAVID
LANTAGNE; THOMAS LEIGHTON; TROY CITY
TACTICAL LLC; WORCESTER PISTOL AND
RIFLE CLUB, INC.; SHOOTING SUPPLY LLC;
FIREARMS POLICY COALITION, INC.;
COMMONWEALTH SECOND AMENDMENT,
INC.; and SECOND AMENDMENT
FOUNDATION, INC.,

Plaintiffs,

-against-

CHARLES D. BAKER, in his Official Capacity as
Governor of the Commonwealth of Massachusetts and
in his Individual Capacity; MONICA BHAREL MD,
MPH, in her Official Capacity as Commissioner of the
Massachusetts Department of Public Health and in her
Individual Capacity; and JAMISON GAGNON, in his
Official Capacity as Commissioner of the Department
of Criminal Justice Information Services and in his
Individual Capacity,

Defendants.

CIVIL ACTION NO.
1:20-cv-10701-DPW

**PLAINTIFFS' MOTION
FOR SUMMARY JUDGMENT**

ORAL ARGUMENT
REQUESTED

COME NOW the Plaintiffs, who respectfully move the Court for the issuance of:

- 1) a permanent injunction, and
- 2) a declaratory judgment

prohibiting the Defendants, their officers, agents, servants, employees, all persons in concert or participation with them and all persons who receive notice of the Court's Order, from enforcing any order analogous to COVID-19 Executive Order No. 13 and/or COVID-19 Executive Order No. 19 so as to preclude lawfully licensed firearms and ammunition dealers from conducting

retail sales of firearms, ammunition and accessories with lawfully qualified purchasers, and further, from precluding the operation of shooting ranges and firearms training.

PLEASE TAKE NOTICE that this motion for summary judgment shall be heard on the basis of this motion, the accompanying memorandum of law, the accompanying FRCP 56.1 statement and annexed affidavits, declarations and exhibits, as well as all pleadings and other submissions in this case, and all other evidence that has been or may be submitted to the Court.

ORAL ARGUMENT REQUESTED

PLEASE TAKE FURTHER NOTICE that oral argument is requested.

Dated: September 23, 2020

Respectfully submitted,
THE PLAINTIFFS,
By their attorneys,

/s/ David D. Jensen
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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on September 23, 2020.

/s/ David D. Jensen
David D. Jensen, Esq.